

TRANSIT FARE REDUCTION

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Public Transit District Act and the Air Conservation Act by amending provisions relating to the rates or charges for services provided by a public transit district.

Highlighted Provisions:

This bill:

- ▶ requires a public transit district to reduce the daily rate or charge for the public transit service provided on that day by the district by 1/2 if the Air Quality Board determines that it is a yellow air quality action day;
- ▶ prohibits a public transit district from charging a daily rate or charge for the public transit serviced provided on that day if the Air Quality Board determines that it is a red air quality alert day;
- ▶ grants the Air Quality Board rulemaking authority to define and establish standards for an air quality alert program;
- ▶ requires the Air Quality Board to notify public transit districts if the Air Quality Board determines that it is a:
 - red air quality alert day; or
 - yellow air quality action day; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:



None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-2a-808, as enacted by Laws of Utah 2007, Chapter 329

17B-2a-815, as enacted by Laws of Utah 2007, Chapter 329

19-2-104, as last amended by Laws of Utah 2006, Chapter 223

19-2-105, as last amended by Laws of Utah 2005, Chapter 2

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17B-2a-808** is amended to read:

17B-2a-808. Public transit district board of trustees powers and duties --

Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.

(1) The powers and duties of a board of trustees of a public transit district stated in this section are in addition to the powers and duties stated in Section 17B-1-301.

(2) The board of trustees of each public transit district shall:

(a) appoint and fix the salary of a general manager, as provided in Section 17B-2a-811;

(b) determine the transit facilities that the district should acquire or construct;

(c) supervise and regulate each transit facility that the district owns and operates, including:

(i) fixing rates, fares, rentals, and charges and any classifications of rates, fares, rentals, and charges subject to the restrictions in Section 17B-2a-815; and

(ii) making and enforcing rules, regulations, contracts, practices, and schedules for or in connection with a transit facility that the district owns or controls;

(d) control the investment of all funds assigned to the district for investment, including funds:

(i) held as part of a district's retirement system; and

(ii) invested in accordance with the participating employees' designation or direction pursuant to an employee deferred compensation plan established and operated in compliance with Section 457 of the Internal Revenue Code;

(e) invest all funds according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act;

(f) if a custodian is appointed under Subsection (3)(d), pay the fees for the custodian's services from the interest earnings of the investment fund for which the custodian is appointed;

(g) (i) cause an annual audit of all district books and accounts to be made by an independent certified public accountant;

(ii) as soon as practicable after the close of each fiscal year, submit to the chief administrative officer and legislative body of each county and municipality with territory within the district a financial report showing:

(A) the result of district operations during the preceding fiscal year; and

(B) the district's financial status on the final day of the fiscal year; and

(iii) supply copies of the report under Subsection (2)(g)(ii) to the general public upon request in a quantity that the board considers appropriate; and

(h) report at least annually to the Transportation Commission created in Section 72-1-301 the district's short-term and long-range public transit plans, including the transit portions of applicable regional transportation plans adopted by a metropolitan planning organization established under 23 U.S.C. Sec. 134.

(3) A board of trustees of a public transit district may:

(a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that are:

(i) not repugnant to the United States Constitution, the Utah Constitution, or the provisions of this part; and

(ii) necessary for:

(A) the government and management of the affairs of the district;

(B) the execution of district powers; and

(C) carrying into effect the provisions of this part;

(b) provide by resolution, under terms and conditions the board considers fit, for the payment of demands against the district without prior specific approval by the board, if the payment is:

(i) for a purpose for which the expenditure has been previously approved by the board;

(ii) in an amount no greater than the amount authorized; and

(iii) approved by the general manager or other officer or deputy as the board prescribes;
(c) (i) hold public hearings and subpoena witnesses; and
(ii) appoint district officers to conduct a hearing and require the officers to make findings and conclusions and report them to the board; and
(d) appoint a custodian for the funds and securities under its control, subject to Subsection (2)(f).

(4) A member of the board of trustees of a public transit district or a hearing officer designated by the board may administer oaths and affirmations in a district investigation or proceeding.

(5) (a) The vote of the board of trustees on each ordinance shall be by roll call vote with each affirmative and negative vote recorded.

(b) (i) Subject to Subsection (5)(b)(ii), the board of trustees may adopt a resolution or order by voice vote.

(ii) The vote of the board of trustees on a resolution or order shall be by roll call vote if a member of the board so demands.

(c) (i) Except as provided in Subsection (5)(c)(ii), the board of trustees of a public transit district may not adopt an ordinance unless it is:

(A) introduced at least a day before the board of trustees adopts it; or

(B) mailed by registered mail, postage prepaid, to each member of the board of trustees at least five days before the day upon which the ordinance is presented for adoption.

(ii) Subsection (5)(c)(i) does not apply if the ordinance is adopted by a unanimous vote of all board members present at a meeting at which at least 3/4 of all board members are present.

(d) Each ordinance adopted by a public transit district's board of trustees shall take effect upon adoption, unless the ordinance provides otherwise.

Section 2. Section **17B-2a-815** is amended to read:

17B-2a-815. Rates and charges for service.

(1) As used in this section:

(a) "Red air quality alert day" means a day defined and declared by the Air Quality Board to be a red air quality alert day.

(b) "Yellow air quality action day" means a day defined and declared by the Air

121 Quality Board to be a yellow air quality action day.

122 ~~[(+)]~~ (2) The board of trustees of a public transit district shall fix rates and charges for
123 service provided by the district by a two-thirds vote of all board members.

124 ~~[(2)]~~ (3) Rates and charges shall:

125 (a) be reasonable; and

126 (b) to the extent practicable:

127 (i) result in enough revenue to make the public transit system self supporting; and

128 (ii) be sufficient to:

129 (A) pay for district operating expenses;

130 (B) provide for repairs, maintenance, and depreciation of works and property that the
131 district owns or operates;

132 (C) provide for the purchase, lease, or acquisition of property and equipment;

133 (D) pay the interest and principal of bonds that the district issues; and

134 (E) pay for contracts, agreements, leases, and other legal liabilities that the district
135 incurs.

136 (4) (a) A public transit district shall reduce the daily rate or charge for service provided
137 on that day by the district by 1/2 if the Air Quality Board determines that it is a yellow air
138 quality action day.

139 (b) A public transit district may not charge a daily rate or charge for service provided
140 on that day by the district if the Air Quality Board determines that it is a red air quality alert
141 day.

142 (c) The Air Quality Board shall notify public transit districts created in accordance with
143 Title 17B, Chapter 2a, Part 8, Public Transit District Act, if the Air Quality Board determines
144 that it is a:

145 (i) red air quality alert day; or

146 (ii) yellow air quality action day.

147 Section 3. Section **19-2-104** is amended to read:

148 **19-2-104. Powers of board.**

149 (1) The board may make rules in accordance with Title 63, Chapter 46a, Utah
150 Administrative Rulemaking Act:

151 (a) regarding the control, abatement, and prevention of air pollution from all sources

and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source;

(b) establishing air quality standards;

(c) defining and determining air quality standards for an air quality alert program;

~~[(e)]~~ (d) requiring persons engaged in operations which result in air pollution to:

(i) install, maintain, and use emission monitoring devices, as the board finds necessary;

(ii) file periodic reports containing information relating to the rate, period of emission, and composition of the air contaminant; and

(iii) provide access to records relating to emissions which cause or contribute to air pollution;

~~[(d)]~~ (e) implementing 15 U.S.C.A. 2601 et seq. Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, and reviewing and approving asbestos management plans submitted by local education agencies under that act;

~~[(e)]~~ (f) establishing a requirement for a diesel emission opacity inspection and maintenance program for diesel-powered motor vehicles;

~~[(f)]~~ (g) implementing an operating permit program as required by and in conformity with Titles IV and V of the federal Clean Air Act Amendments of 1990;

~~[(g)]~~ (h) establishing requirements for county emissions inspection and maintenance programs after obtaining agreement from the counties that would be affected by the requirements;

~~[(h)]~~ (i) with the approval of the governor, implementing in air quality nonattainment areas employer-based trip reduction programs applicable to businesses having more than 100 employees at a single location and applicable to federal, state, and local governments to the extent necessary to attain and maintain ambient air quality standards consistent with the state implementation plan and federal requirements under the standards set forth in Subsection (2); and

~~[(i)]~~ (j) implementing lead-based paint remediation training, certification, and performance requirements in accordance with 15 U.S.C.A. 2601 et seq., Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction, Sections 402 and 406.

(2) When implementing Subsection (1)~~[(h)]~~(i), the board shall take into consideration:

(a) the impact of the business on overall air quality; and

183 (b) the need of the business to use automobiles in order to carry out its business
184 purposes.

185 (3) The board may:

186 (a) hold hearings relating to any aspect of or matter in the administration of this chapter
187 and compel the attendance of witnesses and the production of documents and other evidence,
188 administer oaths and take testimony, and receive evidence as necessary;

189 (b) issue orders necessary to enforce the provisions of this chapter, enforce the orders
190 by appropriate administrative and judicial proceedings, and institute judicial proceedings to
191 secure compliance with this chapter;

192 (c) settle or compromise any civil action initiated to compel compliance with this
193 chapter and the rules made under this chapter;

194 (d) secure necessary scientific, technical, administrative, and operational services,
195 including laboratory facilities, by contract or otherwise;

196 (e) prepare and develop a comprehensive plan or plans for the prevention, abatement,
197 and control of air pollution in this state;

198 (f) encourage voluntary cooperation by persons and affected groups to achieve the
199 purposes of this chapter;

200 (g) encourage local units of government to handle air pollution within their respective
201 jurisdictions on a cooperative basis and provide technical and consultative assistance to them;

202 (h) encourage and conduct studies, investigations, and research relating to air
203 contamination and air pollution and their causes, effects, prevention, abatement, and control;

204 (i) determine by means of field studies and sampling the degree of air contamination
205 and air pollution in all parts of the state;

206 (j) monitor the effects of the emission of air contaminants from motor vehicles on the
207 quality of the outdoor atmosphere in all parts of this state and take appropriate action with
208 respect to them;

209 (k) collect and disseminate information and conduct educational and training programs
210 relating to air contamination and air pollution;

211 (l) advise, consult, contract, and cooperate with other agencies of the state, local
212 governments, industries, other states, interstate or interlocal agencies, the federal government,
213 and with interested persons or groups;

(m) consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source in the state concerning the efficacy of any proposed control device, or system for this source, or the air pollution problem which may be related to the source, device, or system, but a consultation does not relieve any person from compliance with this chapter, the rules adopted under it, or any other provision of law;

(n) accept, receive, and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions of this chapter;

(o) require the owner and operator of each new source which directly emits or has the potential to emit 100 tons per year or more of any air contaminant or the owner or operator of each existing source which by modification will increase emissions or have the potential of increasing emissions by 100 tons per year or more of any air contaminant, to pay a fee sufficient to cover the reasonable costs of:

(i) reviewing and acting upon the notice required under Section 19-2-108; and

(ii) implementing and enforcing requirements placed on the sources by any approval order issued pursuant to notice, not including any court costs associated with any enforcement action;

(p) assess and collect noncompliance penalties as required in Section 120 of the federal Clean Air Act, 42 U.S.C. Sec. 7420;

(q) meet the requirements of federal air pollution laws;

(r) establish work practice, certification, and clearance air sampling requirements for persons who:

(i) contract for hire to conduct demolition, renovation, salvage, encapsulation work involving friable asbestos-containing materials, or asbestos inspections;

(ii) conduct work described in Subsection (3)(r)(i) in areas to which the general public has unrestrained access or in school buildings that are subject to the federal Asbestos Hazard Emergency Response Act of 1986;

(iii) conduct asbestos inspections in facilities subject to 15 U.S.C.A. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; or

(iv) conduct lead paint inspections in facilities subject to 15 U.S.C.A. 2601 et seq., Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction;

(s) establish certification requirements for persons required under 15 U.S.C.A. 2601 et seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, to be accredited as inspectors, management planners, abatement project designers, asbestos abatement contractors and supervisors, or asbestos abatement workers;

(t) establish certification requirements for asbestos project monitors, which shall provide for experience-based certification of persons who, prior to establishment of the certification requirements, had received relevant asbestos training, as defined by rule, and had acquired at least 1,000 hours of experience as project monitors;

(u) establish certification procedures and requirements for certification of the conversion of a motor vehicle to a clean-fuel vehicle, certifying the vehicle is eligible for the tax credit granted in Section 59-7-605 or 59-10-1009;

(v) establish a program to certify private sector air quality permitting professionals (AQPP), as described in Section 19-2-109.5; and

(w) establish certification requirements for persons required under 15 U.S.C.A. 2601 et seq., Toxic Control Act, Subchapter IV -- Lead Exposure Reduction, to be accredited as inspectors, risk assessors, supervisors, project designers, or abatement workers.

(4) Any rules adopted under this chapter shall be consistent with provisions of federal laws, if any, relating to control of motor vehicles or motor vehicle emissions.

(5) Nothing in this chapter authorizes the board to require installation of or payment for any monitoring equipment by the owner or operator of a source if the owner or operator has installed or is operating monitoring equipment that is equivalent to equipment which the board would require under this section.

Section 4. Section **19-2-105** is amended to read:

19-2-105. Duties of board.

(1) The board, in conjunction with the governing body of each county identified in Section 41-6a-1643 and other interested parties, shall perform an evaluation of the inspection and maintenance program developed under Section 41-6a-1643 including issues relating to:

~~[(1)]~~ (a) the implementation of a standardized inspection and maintenance program;

~~[(2)]~~ (b) out-of-state registration of vehicles used in Utah;

~~[(3)]~~ (c) out-of-county registration of vehicles used within the areas required to have an inspection and maintenance program;

276 ~~[(4)]~~ (d) use of the farm truck exemption;
277 ~~[(5)]~~ (e) mechanic training programs;
278 ~~[(6)]~~ (f) emissions standards; and
279 ~~[(7)]~~ (g) emissions waivers.
280 (2) In accordance with Section 17B-2a-815, the board shall notify public transit
281 districts created in accordance with Title 17B, Chapter 2a, Part 8, Public Transit District Act, if
282 the board determines that it is a:
283 (a) red air quality alert day; or
284 (b) yellow air quality action day.

Legislative Review Note
as of 1-14-08 10:17 AM

Office of Legislative Research and General Counsel

H.B. 298 - Transit Fare Reduction**Revised
Fiscal Note**

2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Neither Logan nor Park City transit districts charge fares and St. George transit district is not in a non attainment area, only the area served by UTA is affected by this bill. Based on historical data of the Division of Air Quality it is estimated that 51 days would be alert days (30 red and 21 yellow). The average daily weekday fare of UTA is \$34,000 for FY 2009 and \$36,300 for FY 2010. Estimated lost revenue for UTA is \$1.4 million in FY 2009 and \$1.5 million in FY 2010. If an increased number of individuals that are not regular transit riders chose to use the transit system on yellow days, the ½ half fare they would pay would decrease the estimated lost revenue. It is estimated to cost UTA \$50,000 per year for communications, administration and advertising of the program. Individuals could realize savings equal to lost fares of UTA.
